

MEMORANDUM

SUBJECT: Executive Branch Position on H.R. 12039,
Congresswoman Abzug's Bill to Amend the Privacy Act

1. H.R. 12039 would require the affected agencies to inform each person who was the subject of a file or named in an index in connection with CHAOS, COINTELPRO, or Special Services Staff programs. It would also require notification of all persons subject to certain types of electronic surveillance, surreptitious entry, and mail interceptions. This bill would primarily involve four agencies: FBI, CIA, Internal Revenue Service, and Department of Defense.

2. The Department of Justice has already announced and will soon implement a limited program of notification to certain persons injured by COINTELPRO activities. They do not, however, intend to notify any other persons beyond this narrow class. It appears that the other programs mentioned in the bill do not involve the same kind of injurious activity as those COINTELPRO projects which will result in notification. Each of the other programs were essentially passive collection operations and involve separate and distinct problems as to the feasibility of notification. It does not appear desirable for one agency to speak for the Administration as a whole on the various considerations faced by each of the four agencies.

3. The Department of Justice has prepared testimony for the Subcommittee to be given on 13 April. This testimony reflects the position of the Department of Justice, and they do not feel qualified to discuss the programs of other agencies. There is, however, nothing in the Department of Justice testimony which is inconsistent with the views of this Agency. The Department of Justice testimony and the CIA position were discussed at a meeting with representatives of both agencies.

4. The CIA objects to that portion of the bill relating to surreptitious entry and communications interceptions. Our objections are similar to those of the Department of Justice, but are based on somewhat different national security considerations.

5. The Director has talked to Chairwoman Abzug. Any possible appearance by him before the Subcommittee has been deferred until at least 28 April. Depending upon reactions to the Department of Justice's testimony, we may discuss further with Chairwoman Abzug the necessity for the Agency to appear.

6. For your information, we are attaching a draft of our proposed response to a request from the House Government Operations Committee for comments on H.R. 12039 and H.R. 169